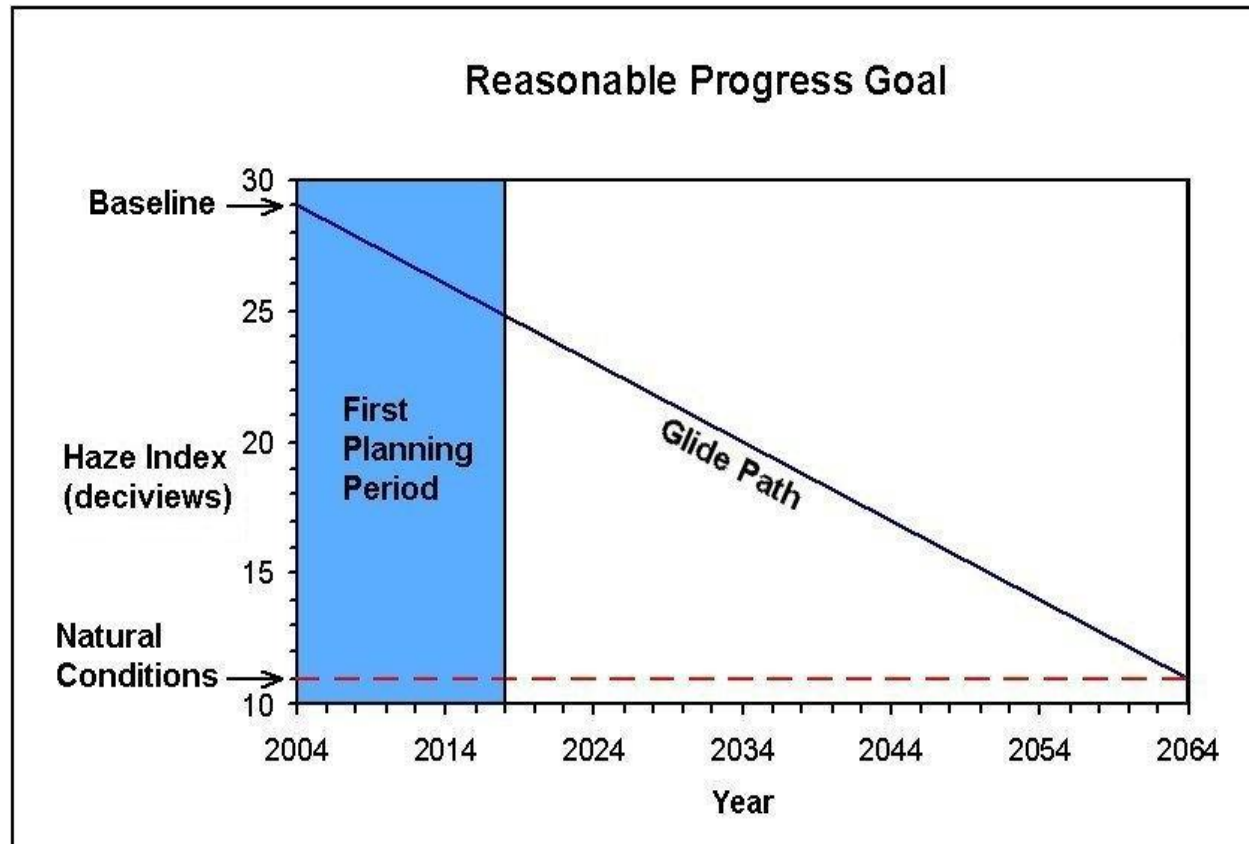


# Negotiated Rulemaking Process

- Back to the beginning, what is Reasonable Progress Goals
- How to move forward in establishing rules to support Reasonable Progress
- How to structure the negotiated rulemaking process to meet the needs

# What is the Clean Air Act Visibility Goal?

- CAA goal of natural visibility conditions at Class I areas
- RHR establishes 60-year time horizon for attaining the goal



# How Should Reasonable Progress Goals (RPGs) Be Set?

- The first RPG describes the visibility conditions expected to be achieved when the first long-term strategy (covering the planning period to 2018) is fully implemented
- RPGs for each long term strategy should be selected based on BOTH:
  1. The uniform rate of progress for each Class I area, and
  2. The control strategies identified through application of the statutory factors

# Calculating the Uniform Rate of Progress

- The uniform rate of progress is the minimum rate of progress needed to achieve the CAA goal of natural conditions within 60 years (to 2064)
- The URP for each 10-year long-term strategy = the visibility improvement along the glide path for that planning period

*Note that the URP does NOT automatically = the reasonable progress goal*

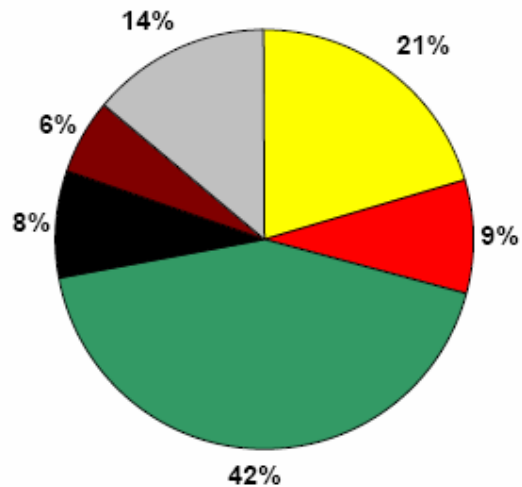
# Developing and Selecting Control Measures Using the Statutory Factors

## **Steps:**

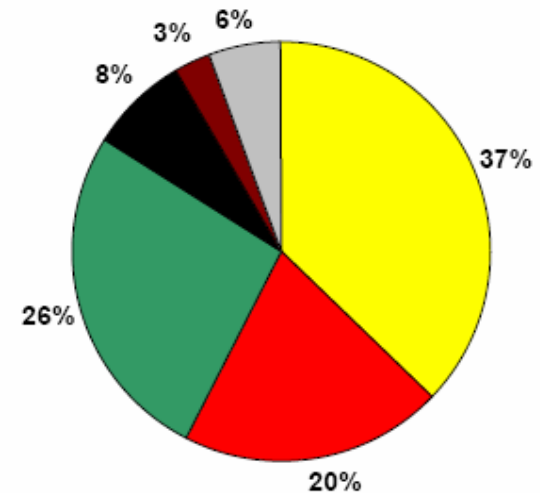
- a. Identify sources and source categories that contribute significantly to visibility impairment at each Class I area
- b. Determine the key pollutant species
- c. Identify control measures and associated emission reductions:
  - Expected from existing rules
  - Available beyond current and expected controls
- d. Apply the statutory factors to all identified control measures

# Yellowstone National Park, WY 2002 Reconstructed Extinction

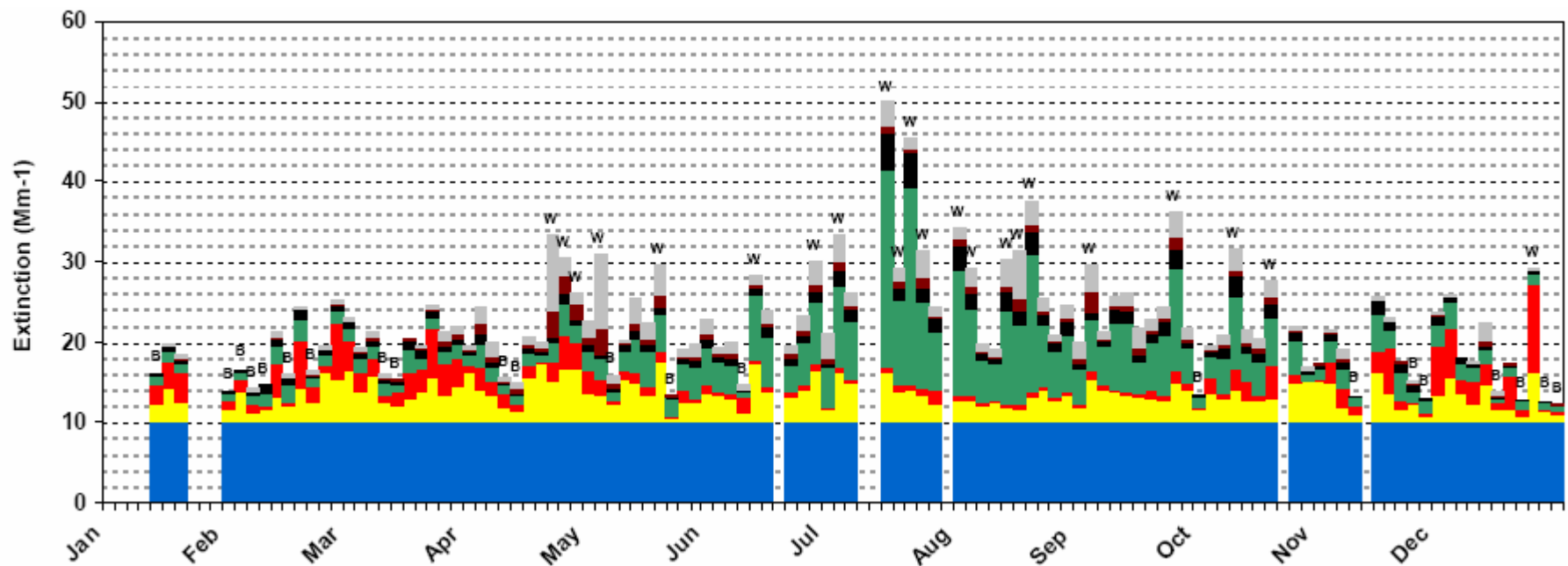
**20% Worst Visibility Days**  
Aerosol Extinction\* = 22 Mm<sup>-1</sup> (16 to 40 Mm<sup>-1</sup>)



**20% Best Visibility Days**  
Aerosol Extinction\* = 5 Mm<sup>-1</sup> (2 to 7 Mm<sup>-1</sup>)



\*Excludes Rayleigh Extinction



# Rulemaking for RPG

- Develop additional control measures when needed to meet Uniform Rate of Progress:
  - Based on impacts Class I areas
    - Look at the pollutants contributing
    - Identify sources based on emission inventory
    - Using Airshed Management as the foundation
  - Analyze suite of control measures
    - Control measures effectiveness
    - Statutory factors

# CAA Statutory Factors

**Clean Air Act Section 169A(g)(1) identifies four factors to be “taken into consideration” in determining reasonable progress:**

- a. Cost of compliance
- b. Time necessary for compliance
- c. Energy and non-air quality environmental impacts of compliance; and
- d. Remaining useful life of any existing source subject to such requirements



# Overview of Process for Setting RPGs

## **1. Consider Statutory Factors:**

Combine the control measures evaluated based on the statutory factors for an overall suite or suites of control strategies

## **2. Compare to Uniform Rate of Progress:**

Compare visibility conditions resulting from each suite of control strategies to the URP for each Class I area

## **3. Select RPG**

Select an RPG for each Class I area based on an overall suite of control strategies that will improve visibility at or beyond the URP

# Selecting Reasonable Progress Goals

- To reiterate final step: model suite of controls that meet the statutory factors, and compare to uniform rate of progress
- Select a RPG for each Class I area that results in visibility improvement at or beyond the glide path

# Rulemaking for Regional Haze

- Authority to establish Reasonable Progress Goals
- Take credit for PSD program
  - Update to assure program meets RPG
- Identify suite of control measures to meet uniform rate of progress
- Develop rules for BART or Alternative

# Rulemaking for RPG

- Updating PSD to meet Reasonable Progress Goals
  - R.H Rule New Source Review requirements:  
*51.307(c) ... “State must ensure that the source’s emissions will be consistent with making reasonable progress toward the national visibility goal referred to in 51.300(a)”*
- Process for minor sources in and near Class I areas

# Rulemaking Process

- Steering Committee:
  - BART subcommittee
  - Subcommittee to set RPGs
    - Update NSR/PSD to support RPG
    - Minor sources in and near Class I areas
  - Subcommittee to identify suite of additional control measures needed to meet RPG